

## INTRADEPARTMENTAL CORRESPONDENCE

November 20, 2018

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**TO:** The Honorable Board of Police Commissioners **OFFICE OF THE INSPECTOR GENERAL**

**FROM:** Chief of Police

**SUBJECT:** OFFICER INVOLVED SHOOTING FID NO. 008-18

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POLICE COMMISSION  
2018 NOV 20 PM 4:09

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 008-18. A Use of Force Review Board (UOFRB) was convened on this matter on November 7, 2018. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

### SUMMARY<sup>1</sup>

On January 27, 2018, at approximately 1117 hours, Officers T. Shelley, Serial No. 32129 and S. Antiporda, Serial No. 36075, Harbor Patrol Division, were in full police uniform, driving a marked black and white police vehicle. The officers responded to a radio call of a *415-juvenile group* at the Wilmington Recreation Center located at 325 North Neptune Avenue. The comments of the call indicated there were three male juveniles, wearing blue clothing, who were *sitting on a park bench, smoking marijuana and drinking alcohol*.

**Note:** The investigation revealed that the officers placed themselves Code-Six via their Mobile Digital Computer (MDC) upon arrival.

According to Officer Shelley, who was the passenger officer, they were driving around the *recreation building* checking the *benches*, but did not observe the suspects from the radio call. They drove north on Bay View Avenue to check the *baseball field, parking lot, and basketball courts*. Officer Shelley then observed an *individual*, later identified as S. Miramontes, wearing a *blue-checkered shirt*, riding a bicycle north of them on the west side of Bay View Avenue.

According to Officer Shelley, after they drove past D Street, Miramontes rode his bicycle from the west side of the street to the east sidewalk. Officer Shelley observed that Miramontes appeared to be *agitated* and *keeping his eye* on the officers. Officer Shelley advised Officer Antiporda that Miramontes may be *part of the radio call*, but they did not have enough information to *stop him* at the time.

<sup>1</sup> The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

**Note:** According to Officer Antiporda, he did not observe Miramontes' actions at this time. He also did not recall hearing Officer Shelley advise him of Miramontes' actions.

According to Officer Shelley, they were driving approximately *5-10 miles an hour*, when Miramontes crossed back to the west sidewalk and rode in a *circle* while *watching* the officers. Miramontes then *bolted out between two parked cars, immediately turned* towards the officers, and *quickly rode directly* at them. Miramontes *jumped off the pedals and straddled* his bicycle. Miramontes *lifted* his shirt with his left hand and *grabbed* his waistband with his right hand. Officer Shelley observed a *dark object* as Miramontes brought his hands up *very quickly* and *punched out* into a *shooting stance* with his left hand *cupped under* his right hand.

According to Officer Shelley, he believed Miramontes had a *gun* and was going to *kill* him and Officer Antiporda. Officer Shelley drew his service pistol and fired two rounds from his service pistol at Miramontes from *approximately 25 feet* (**Drawing/Exhibiting, Lethal Use of Force, and Additional Tactical Debrief Topics – Holding Drink in Left Hand and Service Pistol in Right Hand**).

According to Officer Antiporda, he first observed Miramontes approximately *30 to 40 feet* north of them. Miramontes was riding his bicycle from the west sidewalk to the street, *in between cars*, and then rode *fast and aggressively* towards them. Miramontes *got off his bike*, took a *couple steps* towards them, and took a *shooting stance*. Officer Antiporda simultaneously heard *shots fired* as he *slowed* the vehicle and *put it in park*.

According to Officer Shelley, after he fired his rounds, Miramontes *fell down* to the ground. Officer Shelley took his seatbelt off, exited, and assumed a position of cover behind his passenger side ballistic door panel.

According to Officer Antiporda, he observed Miramontes *immediately* go to the ground in a *prone position*. Officer Antiporda *unbuckled* his seatbelt and exited the vehicle. He then assumed a position of cover behind his driver's side ballistic door panel and drew his service pistol (**Drawing/Exhibiting**).

According to Officer Shelley, Miramontes was *moving around* so he told Miramontes to, "Spread his arms out" and "Don't move." Officer Shelley then heard *somebody else* yelling on the east sidewalk. Believing there could be a second suspect who was part of a possible *ambush*, Officer Shelley advised Officer Antiporda that he was going to *find the possible suspect*, later identified as E. McColoum, so that they *don't get ambushed*.

According to Officer Antiporda, he gave Miramontes commands to, "Stay down." Officer Antiporda then observed Officer Shelley *dealing* with McColoum. Officer Antiporda broadcasted a help call and advised units to respond *northbound from D Street* (**Debriefing Point No. 1 and Additional Tactical Debrief Topics – Non-Conflicting Simultaneous Commands**).

According to Officer Shelley, he redeployed to the east side of the street and assumed a position of cover behind a *red SUV*. He *slowly walked* towards the east sidewalk until he observed McColoum standing on the sidewalk with his *arms up*. Officer Shelley directed McColoum towards him. McColoum complied. Officer Shelley holstered his service pistol and handcuffed McColoum as additional units arrived (**Debriefing Point No. 2**).

Additional personnel arrived including Sergeant P. Clayson, Serial No. 32251, Officer T. Smith, Serial No. 41944, and Officer J. Kirkham, Serial No. 39708, Harbor Patrol Division.

According to Officer Shelley, when he *started walking* McColoum to the *curb area*, McColoum *tried to pull away* and *started yelling* at Miramontes. Officer Shelley used both of his hands on McColoum's left bicep and applied downward pressure to put McColoum on the ground into a seated position (**Non- Lethal Use of Force**).

Simultaneously, Officer Antiporda, along with additional responding officers, formed an arrest team. The arrest team took Miramontes into custody, without further incident (**Additional Tactical Debrief Topics – Less-Lethal Force Options and Firearm Safety Rules**).

Sergeant F. Ciezadlo, Serial No. 36372, Harbor Patrol Division, arrived and assumed the role of Incident Commander (IC).

Sergeant Clayson separated, monitored, and obtained a Public Safety Statement (PSS) from Officer Shelly.

Sergeant K. McCarthy, Serial No. 31213, Harbor Patrol Division, responded to the location and separated, monitored, and obtained a PSS from Officer Antiporda.

**Note:** The investigation revealed that Miramontes was not armed with a firearm during the incident. However, during his FID interview, Miramontes stated that he simulated pointing a handgun at the officers because he *liked the attention*.

## **FINDINGS**

**Tactics –** Tactical Debrief, Officer Antiporda. Administrative Disapproval, Officer Shelley.

**Drawing/Exhibiting –** In Policy, No Further Action, Officers Shelley and Antiporda.

**Non-Lethal Use of Force –** In Policy, No Further Action, Officer Shelley.

**Lethal Use of Force –** In Policy, No Further Action, Officer Shelley.

## **ANALYSIS<sup>2</sup>**

### **Detention**

The suspect rode his bicycle in the direction of the officers and stopped. The suspect reached into his waistband and then took a shooting stance, simulating a handgun, which resulted in an OIS. The officers' actions were appropriate and within Department policies and procedures.

### **Tactics**

*Department policy relative to Tactical Debriefs is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

*Department policy relative to Administrative Disapproval is: "A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

### **Tactical De-Escalation**

*Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques).*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, the suspect's immediate actions of taking a shooting stance and simulating a handgun, resulted in the officers being unable to attempt de-escalation techniques.

Faced with what was reasonably perceived to be an imminent threat of serious bodily injury or death, the officer utilized lethal force to stop the deadly threat.

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<sup>2</sup> The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

During the review of the incident, the following Debriefing Topics were noted:

**Debriefing Point No. 1      Tactical Communication**

*Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

*Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training, Learning Domain 22).*

Officer Antiporda broadcasted a Help Call at Bay View Avenue and E Street, directing units to respond north from D Street.

In this case, the similarities of sound between "D" and "E" prompted Communications Division (CD) to request the phonetic pronunciation of the cross street. Officer Antiporda responded to the request by restating, "D," Street, without providing the phonetic pronunciation.

As a result, Officers Smith and Kirkham initially responded north on Bay View Avenue from E Street, placing themselves downrange from the OIS location. Additionally, while CD was attempting to request the phonetic pronunciation a second time, Sergeant Clayson advised CD to hold the frequency resulting in CD discontinuing their attempt to clarify the appropriate cross street.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that while identified as an area for improvement, Officer Antiporda's actions were not a substantial deviation from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

**Debriefing Point No. 2      Contact and Cover (Substantial Deviation – Officer Shelley)**

*The cover officer's primary role is to protect the contact officer. This officer provides protection from a position of surveillance and control. This officer must continue to monitor the suspect's actions as well as any potential threats in the area (Standardized Roll Call Training, Deployment Period 3/2005).*

*Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

Officer Shelley initiated contact and physically restrained a second possible ambush suspect without the benefit of a cover officer.

Operational success is based on the ability of officers to effectively establish designated roles and communicate during critical incidents. Officers improve overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, although the suspect was compliant, Officer Shelley placed himself at a tactical disadvantage and took an unnecessary risk by contacting and physically restraining the suspect without waiting for additional resources.

Based on the totality of the circumstances, I have determined that Officer Shelley's decision to initiate contact and physically restrain a possibly armed suspect without the benefit of a cover officer was a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

**Holding Drink in Left Hand and Service Pistol in Right Hand** – The investigation revealed that Officer Shelley drew his service pistol with his right hand and was involved in an OIS while holding a drink in his left hand. Officer Shelley is reminded of the importance of being prepared for tactical situations arising while investigating radio calls and to keep his hands free when conducting field investigations. I will direct that this be a topic of discussion during the Tactical Debrief.

**Non-Conflicting Simultaneous Commands** – The investigation revealed that several officers gave simultaneous commands to the suspect during the incident. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance by the suspect. I will direct that this be a topic of discussion during the Tactical Debrief.

**Less-Lethal Force Options** – The investigation revealed that there were no designated less-lethal cover officers as part of the arrest team when approaching the suspect to take him into custody. Although not required, I would have preferred that a less-lethal force option be deployed in the event the suspect posed a situation where the deployment of a less-lethal force option was appropriate. I will direct that this be a topic of discussion during the Tactical Debrief.

**Firearm Safety Rules** – The investigation revealed that while approaching Miramontes as part of the arrest team, Officer Antiporda allowed the muzzle of his service pistol to momentarily cover additional officers who assisted with taking Miramontes into custody. Officer Antiporda is to be reminded to not violate the Department's Basic Firearm Safety Rules. I will direct that this be a topic of discussion during the Tactical Debrief.

### **Command and Control**

Sergeant Ciezadlo responded and assumed the role of IC.

Sergeant Clayson responded, separated, monitored, and obtained a PSS from Officer Shelly.

Sergeant McCarthy responded, separated, monitored, and obtained a PSS from Officer Antiporda.

The actions of these supervisors were consistent with Department supervisory training and met my expectations of field supervisors during a critical incident.

### **Tactical Debrief**

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that the tactics utilized by Officer Shelley substantially, and unjustifiably, deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Additionally, the UOFRB determined, and I concur, that the tactics of Officer Antiporda, did not deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct that Officers Shelley and Antiporda attend a Tactical Debrief and the specific identified topics are discussed.

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

### **General Training Update (GTU)**

On February 8, 2018, Officers Shelley and Antiporda attended a GTU. All mandatory topics were covered including Force Option Simulator, Ambush Tactics, and Weapon Manipulations.

### **Drawing/Exhibiting**

*Department policy relative to drawing and exhibiting a firearm is: "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified" (Los Angeles Police Department Manual, Volume 1, Section 556.80).*

According to Officer Shelley, he and Officer Antiporda were driving in their vehicle at approximately 5-10 miles per hour, when Miramontes crossed back to the west sidewalk from the other side of the road. Miramontes rode in a circle while watching the officers. Miramontes then bolted out between two parked cars and immediately turned toward the officers. Miramontes quickly rode directly at them, jumped off the pedals and straddled his bicycle. Miramontes lifted his shirt with his left hand and grabbed his waistband with his right hand. Officer Shelley then observed a dark object in Miramontes' hand as Miramontes brought his hands up very quickly and punched out into a shooting stance with his left hand cupped under his right hand. Believing that Miramontes had a gun and was going to kill him and Officer Antiporda, Officer Shelley drew his service pistol.

Officer Shelley recalled,

*And then, well, no I guess, when we got to a certain location that's when he bolted out and then he came at us and he started reaching for his waistband and, you know, and I'm thinking oh, there's going to be an ambush. It's a gun and he's going to -- he's going to shoot me and so -- so that's why I drew out on him.<sup>3</sup>*

According to Officer Antiporda, he first observed Miramontes approximately 30 to 40 feet north of them. Miramontes rode his bicycle from the west sidewalk to the street, in between cars, and then rode fast and aggressively towards them. Miramontes got off his bike, took a couple steps towards them, and took a shooting stance. Officer Antiporda slowed the vehicle and put it in park as he simultaneously heard shots fired. He observed Miramontes immediately go to the ground in a prone position. Officer Antiporda unbuckled his seatbelt and exited the vehicle. Officer Antiporda assumed a position of cover behind his driver's side ballistic door panel and drew his service pistol.

Officer Antiporda recalled,

*He got off his bike, walked a couple of steps, and took a shooting stance. At that point, I put -- I slowed the vehicle and I put it on (sic) park. And then while I was doing that, I heard the shots fired. So I -- I unbuckled, unholstered, and got out of the -- opened the -- I opened the door. Okay. As -- as soon as the shots fired, he immediately went down.*

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<sup>3</sup> Officer Shelley, Page 20, lines 22-25, Page 21, lines 1-2.

*I feared for my safety. I thought I was going to get shot, so I - - I unholstered to defend myself.<sup>4</sup>*

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Shelley and Antiporda, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Shelley and Antiporda's Drawing/Exhibiting to be In-Policy, No Further Action.

**Note:** In addition to the above listed employees, there were additional personnel that either drew or exhibited firearms during the incident. This Drawing/Exhibiting was appropriate and requires no specific findings or action in regard to these officers.

Additionally, I am critical of Officer Kirkham's deployment of the Patrol Rifle in this specific situation. I would have preferred a weapon system be deployed that was more appropriate for the tactical situation.<sup>5</sup>

### **Non-Lethal Use of Force**

*It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

### **Officer Shelley – Firm grips, takedown**

According to Officer Shelley, when he started walking McColoum to the curb area, McColoum tried to pull away and started yelling at Miramontes. Officer Shelley used both of his hands on McColoum's left bicep and applied downward pressure to put McColoum on the ground into a seated position.

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<sup>4</sup> Officer Antiporda, Page 10, lines 5-11 and Page 21, lines 3-5.

<sup>5</sup> Starting September 2018, the Los Angeles Police Department has implemented a supplemental training program for the Patrol Rifle Cadre, which emphasized the proper selection of weapon systems based on the circumstances of the incident.

Officer Shelley recalled,

*He - - he - - when he like tried to break from me I stopped him and I just - - I just kind of pulled on his arm, you know, hey, sit down and then - - and then he - - and he sits down on the sidewalk part...I had - - I have a hold of his bicep...It was both my hands. And then - - and then I - - I had a hold of him on his left - - left arm by his bicep and - - and like the crook of his elbow and - - and I just used that to, you know, keep control of him.*

When asked by an FID investigator if he applied downward pressure to sit McColoum down, Officer Shelley replied, "Yes."<sup>6</sup>

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Shelley, while faced with similar circumstances, would believe that this same application of non-lethal force would be reasonable to prevent McColoum's escape.

Therefore, I find Officer Shelley's Non-Lethal Use of Force to be In Policy, No Further Action.

### **Lethal Use of Force**

*Law enforcement officers are authorized to use deadly force to:*

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

**Officer Shelley** – .40 caliber, two rounds in a northerly direction, from an approximate distance of 51 feet.

According to Officer Shelley, he believed Miramontes had a gun and was going to kill him and Officer Antiporda. Officer Shelley drew his service pistol and fired two rounds from his service pistol at Miramontes from approximately 25 feet.

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<sup>6</sup> Officer Shelley, Page 42, lines 6-21 and Page 42, lines 22-24.

Officer Shelley recalled,

*The - - the suspect had on a blue plaid shirt. It was baggy and it was not tucked in. It was hanging over his pants. He - - he reached with his left hand, pulled up his shirt and ran his right hand underneath his shirt and was grabbing at the waistband.*

*As he did that I - - I saw a dark object. He - - as he's pulling out that's when I started drawing down and like - - like simultaneously as he's coming up in his shooting stance with both hands, one hand cupped under - - his left hand cupped under his right hand in a shooting stance he - - he comes up very, very quickly and punches out and as he's doing that I was also punching out simultaneously and fired two rounds.<sup>7</sup>*

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Shelley, would reasonably believe that Miramontes' actions presented an imminent threat of death or serious bodily injury, and that the Use of Lethal Force would be objectively reasonable.

Therefore, I find Officer Shelley's Use of Lethal Force to be In Policy, No Further Action.

#### **Additional**

**Aftermarket Striker Plate** – The investigation revealed that Officer Shelley's service pistol was equipped with a cosmetic aftermarket striker plate. Officer Shelley was directed to have the original striker plate re-installed by the Department armory. Captain G. Espinoza, Serial No. 31041, Commanding Officer, Harbor Patrol Division, addressed this issue through divisional training. The commanding officers of OSB and OO concurred with this action. As such, I deem no further action necessary.

**Reverence for Human Life** – The investigation revealed that Officers D. Ibarra, Serial No. 38642 and C. Villegas, Serial No. 43157, Harbor Patrol Division, responded to the Help Call with a subject in the backseat of their police vehicle. The subject had been placed under an involuntary hold due to mental illness. Captain Espinoza was advised and addressed this issue through divisional training, which was documented in the Learning Management System (LMS). As such, I deem no further action is necessary.

**Body Worn Video (BWV) Activation** – The investigation revealed that Officer Ibarra did not activate his BWV during the incident. Captain Espinoza was advised and addressed this issue through divisional training, which was documented in LMS. As such, I deem no further action is necessary.

**Chambering a Round in a Patrol Rifle While Seated in Police Vehicle** – The investigation revealed that Officer Kirkham removed his Patrol Rifle from the rifle rack inside of his vehicle. Officer Kirkham chambered a round while seated inside of his vehicle as he was still approaching the location. The UOFRB was critical, and I concur, that there is an increased

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<sup>7</sup> Officer Shelley, Page 35, lines 18-25, Page 36, lines 1-5.

possibility of inducing an unintentional discharge when exhibiting and chambering a round in the patrol rifle while seated inside a moving police vehicle. This was brought to the attention of Captain Espinoza who addressed the issue with divisional training. As such, I deem no further action is necessary.

**Profanity** – The investigation revealed that Officer Smith utilized profanity while giving Miramontes commands. This was brought to the attention of Captain Espinoza who addressed the issue with divisional training. As such, I deem no further action is necessary.

**Special Locations** – Captain Espinoza advised the UOFRB that as a result of this incident, as well as multiple other incidents involving Miramontes, Miramontes' home address has been entered in as a Special Location. Additionally, due to multiple incidents occurring at Wilmington Recreation Center involving Miramontes, that location is in the process of being entered as a Special Location. As such, I deem no further action is necessary.

#### **Audio/Video Recordings**

**Digital In-Car Video System (DICVS)/ BWV** – Harbor Division vehicles were equipped with DICVS at the time of the incident. Officers Shelley and Antiporda's DICVS was activated after the OIS and captured Miramontes being taken into custody.

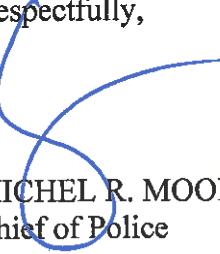
Harbor Division personnel were equipped with BWV at the time of this incident. Officers Shelley and Antiporda's BWV were activated after the OIS. However, due to the two-minute buffering, Officer Shelley's BWV recorded his actions during the OIS without any audio.

**Outside Video** – Witness C. Padilla recorded the incident, after the OIS, with her cellular telephone.

#### **Chief's Direction**

Although, it was determined that Sergeant Clayson, Officer Smith, and Officer Kirkham were not to be substantially involved in the incident and did not receive formal findings, the UOFRB determined, and I concur, that they would benefit from attending the Tactical Debrief to discuss lessons learned and enhance tactical performance during similar incidents. Therefore, I will direct Sergeant Clayson, along with Officers Smith and Kirkham, to attend the Tactical Debrief.

Respectfully,

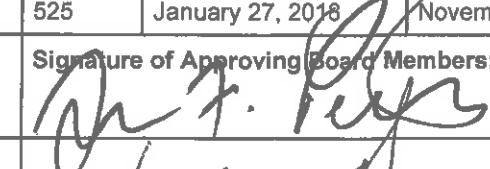
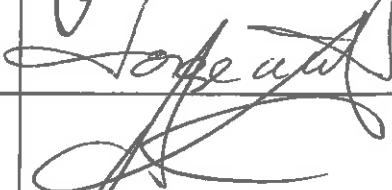
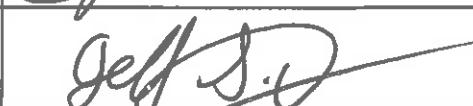
  
MICHEL R. MOORE  
Chief of Police

Date: 10-20-18

LOS ANGELES POLICE DEPARTMENT  
USE OF FORCE REVIEW BOARD REPORT

INC No. 008-18	CF No.	DR No.
SHOOTING		

REVIEW BOARD INFORMATION

Location of Incident 423 Bay View Avenue	RD 525	Date of Incident January 27, 2018	Date and Time of Board Review November 07, 2018 1330 Hours
Chair Deputy Chief J. Peters, Serial No. 25750	Signature of Approving Board Members:   		
Member (Office Representative) Commander J. Rodriguez, Serial No. 25668			
Member (Police Sciences and Training Bureau) Commander H. Leslie, Serial No. 25419			
Member (Bureau) Commander J. Nolte, Serial No. 26408			
Member (Peer) Officer E. Castro, Serial No. 25783	 RECEIVED NOV 26 2018		
Presenting Commanding Officer Captain G. Espinoza, Serial No. 31041	OFFICE OF THE INSPECTOR GENERAL		
Notes:			
Additional Considerations:	RECEIVED NOV 20 2018 PM 4:09 POLICE COMMISSION		
Modification to Present Policy, Practices or Training:			
<input type="checkbox"/> COP Date Signed: <u>11-20-18</u> <input type="checkbox"/> PC Date Submitted: <u>11-20-18</u>			

Employee (Last Name, First, Middle) Antiporda, Sherwin		Serial No. 36075	Rank/Class Police Officer II	Incident No. 008-18
Length of Employment 16 years, 2 months	Current Division Harbor	Time in Current Division 15 years, 5 months		
<b>Use of Force Review Board</b>		<b>Chief of Police</b>		<b>Police Commission</b>
<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<b>Drawing and Exhibiting the Firearm</b>		<b>Drawing and Exhibiting the Firearm</b>		<b>Drawing and Exhibiting the Firearm</b>
<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Lethal Use of Force</b>		<b>Lethal Use of Force</b>		<b>Lethal Use of Force</b>
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Less-Lethal Use of Force</b>		<b>Less-Lethal Use of Force</b>		<b>Less-Lethal Use of Force</b>
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Non-Lethal Use of Force</b>		<b>Non-Lethal Use of Force</b>		<b>Non-Lethal Use of Force</b>
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Unintentional Discharge</b>		<b>Unintentional Discharge</b>		<b>Unintentional Discharge</b>
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<b>Other Issues</b>		<b>Other Issues</b>		<b>Other Issues</b>
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes:

**Final Adjudication for Out of Policy/  
Administrative Disapproval Finding**

- Extensive Retraining
- Notice to Correct Deficiencies
- Personnel Complaint

- Employee's Work History Reviewed

Notes:

\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Shelley, Terry	Serial No. 32129	Rank/Class Police Officer II	Incident No. 008-18
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Length of Employment 22 years, 4 months	Current Division Harbor	Time in Current Division 10 years, 9 months
<b>Use of Force Review Board</b>	<b>Chief of Police</b>	<b>Police Commission</b>
<b>Tactics</b>	<b>Tactics</b>	<b>Tactics</b>
<input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	<input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	<input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval
<b>Drawing and Exhibiting the Firearm</b>	<b>Drawing and Exhibiting the Firearm</b>	<b>Drawing and Exhibiting the Firearm</b>
<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Lethal Use of Force</b>	<b>Lethal Use of Force</b>	<b>Lethal Use of Force</b>
<input checked="" type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Less-Lethal Use of Force</b>	<b>Less-Lethal Use of Force</b>	<b>Less-Lethal Use of Force</b>
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Non-Lethal Use of Force</b>	<b>Non-Lethal Use of Force</b>	<b>Non-Lethal Use of Force</b>
<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Unintentional Discharge</b>	<b>Unintentional Discharge</b>	<b>Unintentional Discharge</b>
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<b>Other Issues</b>	<b>Other Issues</b>	<b>Other Issues</b>
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes:

<b>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</b>	Notes:
<input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint	
<input checked="" type="checkbox"/> Employee's Work History Reviewed	

\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.